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C O N F I D E N T I A L SECTION 01 OF 02 BANJUL 000173

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TAGS: PHUM PGOV KMCA GA

SUBJECT: THE GAMBIA: THE SAGA OF FATOU JAW MANNEH

REF: BANJUL 167

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Classified By: AMBASSADOR JOSEPH STAFFORD, REASON 1.4 (B AND D)

DETENTION AND TRIAL OF JOURNALIST

¶1. (C) Reftel reports authorities' March 28 detention of a U.S-based Gambian (and U.S. legal permanent resident) journalist and fervent opposition supporter, Fatou Jaw Manneh. Manneh, resident in the U.S. for over ten years since she was granted political asylum in 1994, was picked up by officers of the National Intelligence Agency (NIA) on her arrival at Banjul airport for a family visit. (Despite her asylee status, we understand that she has visited The Gambia on other occasions as well.)

¶2. (C) On April 3, following six days of detention and questioning by NIA officers, Manneh was brought before the court and charged. The trial continued April 4 and was attended by Pol/Econ FSN, who reported that Manneh was charged with three misdemeanors, all counts of sedition (acting with seditious intention, publication of seditious words, and publication of false news with the intention to cause fear), based on her remarks regarding President Jammeh made in a June 25, 2004 newspaper interview published by the now-defunct "Independent" (NOTE: The Independent was closed by the GOTG in March 2006 and has not been able to re-open. END NOTE). If convicted, she could be fined up to 250,000 dalasis (approx dols 8,500) and/or sentenced to a one-year prison term. Authorities seized upon two paragraphs of this interview, which was said to have been conducted in the U.S., as evidence (see para. 3 for full text cited). After legal skirmishing between the government prosecutor and the defense attorney in the April 4 hearing, the judge granted Manneh bail and scheduled the next session for April 11.

¶3. (U) Text cited as evidence (from the "Independent" newspaper website, June 25, 2004):

-- Q: You are branded one of President Jammeh's bitterest critics. Why such gripes about the regime?

A: Betrayal. Jammeh is tearing our beloved country in shreds. He debunked our hopes and became a thorn in every issue that relates to progress in the Gambia be it social, political or economical. Worst of all, he is a bundle of terror. There is the need therefore to speak out against his tendencies, which are inimical to progress. If you look around the Gambia, particularly at the conditions people live in, you will see what I mean.

-- Q: What is your prediction for the coming election? (September 2006 presidential election) You think Jammeh will win?

A: ... Gambians are desperately in need of an alternative to this egoistic frosty imam of the APRC (the ruling party, Alliance for Patriotic Reorientation and Construction), Jammeh. But there has to be a group that understands that it has a common task at hand, as difficult (and) as compromising (as that) might be. Jammeh has great chances to win too. I think there is quite a percentage of Gambians that think he is the right guy for us, scary as that might sound. He is full of energy but very negative energy and he totally lacks direction. All he needs to do is come clear (sic) to the Gambian people that he has failed us all miserably, that he will be doing everything to revitalize his promise to the Gambian people, excuse his 10 years in office, rather than forcing us to like him or forcing us to recognize developments that do not exist. ...

REACTION AT HOME AND ABROAD

¶4. (C) Manneh's detention has brought quick reaction both internationally and in The Gambia. Ambassador contacted the NIA head to register concern, noting that she had evidently been held beyond the 72-hour legal limit for detaining persons without charge. Ambassador urged full respect for Manneh's legal rights, including her prompt release in the absence of any concrete evidence of wrongdoing. The NIA official declined to discuss the case, but gave assurances that Manneh would be promptly tried or released. On April 2, a delegation of private journalists, headed by Gambian Press Union President Madi Ceesay met with NIA officials to express their concern. We note that the NGO, Reporters Without Borders, issued a press release March 30 condemning the GOTG's action against Manneh and that a U.S.-based academic, Abdoulaye Saine, has written to the Secretary and Ambassador about the case.

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COMMENT

¶5. (C) At this point, we regard the authorities' detention and trial of Manneh as arbitrary, judging from the vague, flimsy nature of the evidence as presented at the trial on April 4. In particular, while Manneh's offending interview contains harsh criticism of President Jammeh, it is hard to see her remarks as seditious. The GOTG's action underscores the ongoing negative human rights trend here, with freedom of expression curbed and detainees' rights violated, as highlighted by Manneh's prolonged detention without charge. We will continue to monitor this case closely and look for further opportunities to raise with the GOTG. END COMMENT.

STAFFORD